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9 IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 MILLARD W. TONG

12 Appellant,

13 v.

14 THE CALIFORNIA DEPARTMENT OF
15 INDUSTRIAL RELATIONS,

16 Appellee.
17

CASE NO. 4:17-cv-01201-HSG

Appeal from Bankruptcy Case No. 15-30275

CHAPTER 11

Judge Hon. Haywood S. Gilliam, Jr.

18
19 **STIPULATION FOR DELAY OF ISSUANCE OF ANY RULING, OPINION OR ORDER**
20 **PENDING APPROVAL OF SETTLEMENT MOTION AND ORDER THEREON**

21 This Stipulation (or "Agreement") is made between and among Millard W. Tong,
22 individually and as Debtor-in-Possession, herein "Debtor," and California Department of Industrial
23 Relations, Edward Kunnes and Evan Adams, herein "DIR," being the parties to the above referenced
appeal arising from a motion for contempt in the bankruptcy court proceedings.

24 As the results of a judicially supervised settlement conference, the Debtor and DIR have
25 entered into agreements memorialized in stipulation entitled "Stipulation for Issuance of Order for
26 Distribution of Proceeds from the Sale of 1620 Mason Street, San Francisco, CA (After BDRP
27 Mediation)" that, among other matters, settled the issues pending before this Court. However, the
28 settlement of these issues remain subject to the bankruptcy court authorizing Debtor and DIR's

1 agreements reached at the mediation. Debtor and DIR anticipate that the bankruptcy court will hear
2 the request for approval of the settlement on October 27, 2017. Accordingly, Debtor and DIR
3 stipulate as follows:

4 Debtor and DIR jointly request that the United States District Court, sitting as the court of
5 appeal, regarding Debtor's motion for contempt, delay the issuance of any ruling, opinion or order
6 until the parties, hereto, are able to obtain from the bankruptcy court an order regarding their request
7 for authorization of the settlement described in the Stipulation for Issuance of Order for Distribution
8 of Proceeds from the Sale of 1620 Mason Street, San Francisco, CA (After BDRP Mediation).

9 Dated: October 3, 2017

/s/ Christopher W. Frick

Christopher W. Frick
Counsel for Appellees,
CA Dept. of Industrial Relations, Edward Kunnes
and Evan Adams

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13 Dated: October 3, 2017

/s/ Lawrence A. Jacobson

Lawrence A. Jacobson
Counsel for Appellant Millard Tong

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17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 Dated: 10/4/2017


Hon. Haywood S. Gilliam, Jr.